

## **PROBATE CALENDAR NOTES**

**June 10, 2022**

**8:30 AM, Department 40**

**Placer County Superior Court**

Published June 2, 2022, 12:00 noon

Updated (final) June 9, 2022, 2:45 PM

**For current local court COVID-19 information, visit:**  
<http://www.placer.courts.ca.gov/general-covid-19.shtml>

**See Emergency Local Rule 10.28 & Local Rule 10.24 concerning remote appearances. Local Rule 10.27, "eDelivery/eFiling," requires electronic filing of documents by attorneys and represented parties.**

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **June 10, 2022, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Remote appearances are generally available for this calendar, as provided in the Local Rules.

Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time and will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

---

**1. S-PR-0003538 Bruce I Pruter Trust; In re the**

Objections to account

Appearance is required for continued hearing on objections to trustee account.

Missing substantive objections to trustee account. Missing verification to objections.

Petition re surcharge / breach and to compel trustee account

Appearance is required for continued hearing on petition re surcharge / breach of trust and to compel trustee account.

Trustee account

Appearance is required for continued hearing on trustee account.

**2. S-PR-0007181 Vierra, Linda K. - In Re the Estate of**

Appearance is required for continued hearing on petition to direct Public Administrator to act to sell estate property.

Current status is needed.

**3. S-PR-0009287 Masato & Setsu Tomita Liv Trust; In re the**

This matter was dismissed by petitioner on June 6, 2022.

**4. S-PR-0010309 Mireles, Edward J. - In Re the Estate of**

Appearance is required for continued hearing on petition for final distribution.

Petitioner cites no provision of the Probate Code that permits personal representative from failing to inventory and appraise all assets of the estate, or that permitted personal representative to enter into purportedly confidential settlement agreements for the estate. Petitioner cites no provision of the Probate Code that permits personal representative to use undisclosed estate property to augment ordinary attorney fees. Petitioner has requested a continuance to address this issue further.

Attorney fees appear to be incorrectly calculated. The account discloses that some claimed receipts (trust rental income) were not estate property. Non-estate property cannot be used to augment ordinary attorney fees. Petitioner has requested a continuance to address this issue further.

It is recommended the extraordinary fees request be denied. The claimed extraordinary services (relating to special administration and proving the will) are normal activities associated with estate administration and are not extraordinary. It appears the proposed extraordinary fees were calculated by calculating fees for all services to the estate from May to August 2020, and subtracting ordinary fees. It is unclear why ordinary fees would be subtracted unless the claimed services included ordinary tasks. Petitioner has requested a continuance to address these issues further. Court determination is needed: the billing rates of \$495/hr and \$400/hr may exceed reasonable billing rates in 2020 for estate services in Placer County.

Clarification is needed: the account shows distributions of 4 vehicles to various individuals, ostensibly because distributions were "Authorized by the trust." If the vehicles

are estate assets (as they were inventoried), distribution to individuals is contrary to decedent's will and is not supported by any petition for court order. If the vehicles are trust assets (and so subject to the terms of the trust), marshaling the assets to the estate appears to be an error. Petitioner has requested a continuance to address this matter further.

**5. S-PR-0010400 Marvin Fisher Rev Trust; In re the**

Amended petition for instructions (R Elley)

Appearance is required for continued hearing on amended petition for instructions.

Petition for instructions (L Reyes)

Appearance is required for continued hearing on petition for instructions.

Petition to approve settlement agreement

Appearance is required for continued hearing on petition to approve settlement agreement.

**6. S-PR-0010676 Hill, Madeline Ann - In re the Estate**

Missing notice of hearing for amended petition to administer estate. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

**7. S-PR-0011152 In Re the Estate of Coll, Carlos Arnaldo**

Petition for final distribution is recommended for approval as prayed.

**8. S-PR-0011280 In Re the estate of Cummings, Virginia Carol**

Missing notice of hearing on amended petition to administer estate. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

**9. S-PR-0011394 In Re the Chittenden Fam Trust**

Petition to determine trust property and to modify irrevocable trust is recommended for approval as prayed.

**10. S-PR-0011395 In Re the Joseph & Arlene Arata Fam Trust**

Missing notice of hearing for petition to determine invalidity of trust amendment and to determine trust property. Note that the § 850 claim requires use of form DE-115 to

comply with Prob.C. § 851(c)(1) & (3). Missing service of notice of hearing to all trust beneficiaries.

**11. S-PR-0011396 In Re the Estate of Towers, Phillip Lee**

Petition to administer estate is recommended for approval as prayed.

**12. S-PR-0011397 In Re the Estate of Albrecht, Richard Paul**

Petition to administer estate is recommended for approval as prayed.

**13. S-PR-0011398 In Re the Estate of Dancer, Patrick B.**

Spousal property petition is recommended for approval except as to item (5) in Attachments 7a and 7b. On the allegations of the petition, the assets of the account passed immediately to petitioner upon decedent's death by the terms of the account. Decedent's 1/2 does not pass to petitioner under decedent's will, and survivor's 1/2 does not fall within provisions to confirm it as petitioner's community property share.

**14. S-PR-0011399 In Re the Estate of Brabo, Matthew Kenneth**

Court determination needed: proof of publication erroneously states that petitioner offers a will for probate (¶ 4). Court to determine whether revised publication should be required.

Court determination needed: petitioner prays for bond; however, waiver of bond was later filed by GAL for minor beneficiary, suggesting petitioner seeks waiver of bond.

**15. S-PR-0011400 In Re the Putnam Fam Trust**

Missing service of notice of hearing for petition to determine invalidity of trust amendment to St. Teresa of Avila Parish, Robert Nelson Jr, Bonnie Allrich, Judith Pieralde, Jacqueline Picon, Placer SPCA, Auburn Interfaith Food Closet, KQED, and Carol Anglin. Prob.C. §§ 17203(a) & 1202. Proof of service filed June 6 does not show service of any notice of hearing, does not show timely service, and does not show service on Allrich, Picon, Placer SPCA, Auburn Interfaith Food Closet, KQED or Angling.

**16. S-PR-0011401 In Re the Heatherington Survivor's Trust**

Petition to modify irrevocable trust is recommended for approval as prayed.

**17. S-PR-0011469 In Re the Estate of Dickerson Sr., John Richard**

Missing notice of hearing for petition to administer estate. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

Missing signatures of joint petitioners Crystal Dickerson, John Dickerson Jr, Arthur Dickerson, Michael Dickerson. Prob.C. § 1020; see ¶ 2 of the petition.

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (7)-(8) (issue of predeceased child(ren)). Missing ¶ 8 relationship(s) of Arthur Dickerson and Michael Dickerson to decedent.

Missing identity of proposed personal representative (¶ 2a). Note: decedent's surviving spouse has priority for appointment as personal representative. Prob.C. § 8461(a).

Missing waivers of bond by decedent's surviving spouse and child(ren).